

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA
AUG 11 2005
MARY E. D'AMICO, CLERK

UNITED STATES OF AMERICA)	No. 1:CR-04-338-02
)	1:CR-04-338-03
v.)	
)	
BRENT BIGLER and)	(Judge Conner)
JEFF BIGLER,)	
)	
Defendants.)	(Electronically Filed)

AMENDED PRELIMINARY ORDER OF FORFEITURE
TO INCLUDE CERTAIN SUBSTITUTE ASSETS
AS TO DEFENDANTS BRENT BIGLER AND JEFF BIGLER

The United States of America, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, and Title 21, United States Code, Section 853(p), has moved to amend the Preliminary Order of Forfeiture previously issued in this case to include certain property of defendants' as substitute property. In consideration of the motion and the entire record in this matter, the Court finds as follows:

1. On January 14, 2005, the Court entered a Preliminary Order of Forfeiture as to all right, title, and interest of defendants in the following property:

(a) The sum of \$354,729 seized on or about March 26, 2004, from Account #0047-7457-0752 in the name of Texas Wholesale Dental Supply, Inc. d/b/a National Dental Supply, Inc. at the Bank of America, Dallas, Texas; and

(b) All real property located at 1107 Summit Avenue, Collin County, Plano, Texas.

2. Although item (a) above was ordered forfeited and is in the custody of the United States, the real property identified as item (b) above (herein called the "Real Property") is not available for forfeiture . In order to resolve issues between the defendants and claimants asserting an ownership interest in the Real Property, an agreement regarding the Real Property was entered into between the defendants and the claimants with the consent of the United States. That agreement was filed as an exhibit to the Government's motion. The effect of that agreement is that the Real Property no longer is available for forfeiture for one or more of the reasons set forth in Title 21, United States Code, Section 853(p).

3. As a result, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(p), the United States is entitled to an order forfeiting other property of the defendants as a substitute for the unavailable Real Property ordered forfeited and herein released.

4. Pursuant to the agreement between the claimants and the defendants, the sum of \$350,000 in United States currency has been tendered as a substitute assets for the Real Property.

Accordingly, this 3rd day of ^{AUGUST,} ~~July~~, 2005, it is ORDERED that:

1. all right, title and interest of defendants in \$350,000.00 in United States currency is hereby forfeited to the United States;

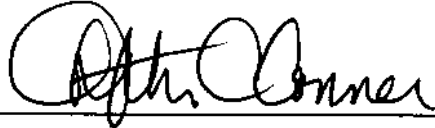
2. the United States Marshals Service shall forthwith seize and retain the property ordered forfeited hereunder and shall take any other steps deemed warranted to preserve its availability for forfeiture pending the conclusion of any third party proceedings which may be conducted in this matter pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(n);

3. promptly after the seizure of said property, the United States shall initiate proceedings necessary to protect any third party interests in the substitute property, pursuant to and in accordance with Rule 32.2(e) of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(n), prior to requesting entry of a final order of forfeiture with respect thereto;

4. the United States shall not have or claim any right title or interest in or to the Real Property and shall release the Lis Pendens it has filed against the Real Property; and

5. for the purpose of effecting clear and unencumbered title in and to the Real Property for the record owner, ABA Maverick Partners, Ltd. a/k/a ABA Maverick Partners, LLC, this Amended Preliminary Order of Forfeiture as it concerns the Real Property supercedes the Preliminary Order of Forfeiture as it concerns the Real Property and the release of Lis Pendens filed by the United States and this Amended Preliminary Order shall evidence that the

United States has no claim of right, title or interest in and to the
Real Property.

A handwritten signature in black ink, appearing to read "Christopher C. Conner", written over a horizontal line.

CHRISTOPHER C. CONNER
UNITED STATES DISTRICT JUDGE